

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Tuesday, July 12, 1955

39

The Senate convened at 10:00 o'clock A. M., pursuant to adjournment on Monday, July 11, 1955.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Clarke	Hodges	Pearce
Baker	Connor	Houghton	Pope
Barber	Douglas	Johns	Rawls
Beall	Edwards	Johnson	Rodgers
Black	Floyd	Kickliter	Shands
Bronson	Fraser	King	Stratton
Cabot	Gautier (28th)	Melvin	Tapper
Carlton	Gautier (13th)	Morgan	
Carraway	Getzen	Neblett	

—34.

A quorum present.

Senators Morrow, Phillips, Rood and Stenstrom were excused from attendance upon the Session.

The following Prayer was offered by the Senate Chaplain, Reverend E. E. Snow:

O God, our Heavenly Father, make us deeply conscious of Thy Presence this hour.

In this long and weary struggle we pray for greater statesmanship on the part of all concerned, our people, our Governor, our Legislature.

We all know that we are having growing pains and political struggles. We plead that Thou wilt look with pity and mercy upon us. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Monday, July 11, 1955, was corrected and as corrected was approved.

Senator Gautier (13th) moved that the Senate recess until 10:30 o'clock A. M., this day.

Which was agreed to and the Senate took a recess at 10:10 o'clock A. M., until 10:30 o'clock A. M., this day.

The Senate reconvened at 10:30 o'clock A. M., pursuant to recess order.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Clarke	Hodges	Pearce
Baker	Connor	Houghton	Pope
Barber	Douglas	Johns	Rawls
Beall	Edwards	Johnson	Rodgers
Black	Floyd	Kickliter	Shands
Bronson	Fraser	King	Stratton
Cabot	Gautier (28th)	Melvin	Tapper
Carlton	Gautier (13th)	Morgan	
Carraway	Getzen	Neblett	

—34.

A quorum present.

Senator Gautier (13th) moved that the Senate proceed to the consideration of Messages from the Governor.

Which was agreed to by a two-thirds vote.

MESSAGE FROM THE GOVERNOR

The following Communication from the Governor was read:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

July 12, 1955

Honorable W. Turner Davis
President of the Senate

and

Honorable Thomas E. (Ted) David
Speaker of the House of Representatives
Capitol Building
Tallahassee, Florida

Sirs:

While I have not been officially informed about the legislative action on House Bill 10-X, I am aware of the fact that this measure has passed both the House and the Senate and in due course will be delivered to me as Governor.

In view of the fact that several members of the two legislative bodies have on numerous occasions expressed publicly the view that a measure of this kind was beyond the power of executive veto, I have felt that this question of constitutional law should be officially clarified as promptly as possible. I have therefore transmitted to the Chief Justice and Associate Justices of our State Supreme Court this morning a request for an official opinion as to my powers and duties in this respect. I have expressed to the Court my earnest hope that this opinion be rendered as promptly as possible for the convenience and direction of all concerned, and I am confident this will be done.

I understand that there has been some discussion of a possible effort on the part of some members of each house to seek sine die adjournment of the current extraordinary session prior to the time I take official action on House Bill 10-X or prior to the time I receive the opinion from the Supreme Court clarifying my powers and duties in this respect. I think it is clear that any such purported adjournment would be in direct violation of the provisions of Section 3, Article VII, of the State Constitution. Under this section, it is the mandatory duty of the Legislature to remain in session until reapportionment "is effected." No reapportionment can be effected until House Bill 10-X or some other measure should become finally and completely effective.

In view of the above, I trust that the Legislature will not seek to accomplish sine die adjournment at the present time, and I assure you that every official act I take will be accomplished as promptly as possible consistent with my duties and responsibilities as Governor.

Respectfully,

LeROY COLLINS,
Governor.

Senator Johnson moved that the rules be waived and House Bill No. 10-X, which passed the Senate on July 11, 1955, be immediately certified to the House of Representatives.

Which was agreed to by a two-thirds vote and the action of the Senate on House Bill No. 10-X was ordered certified to the House of Representatives immediately.

Senator Gautier (13th) moved that the Senate adjourn.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Gautier (13th), the vote was:

Yeas—16.

Barber	Gautier (28th)	Morgan	Tapper
Cabot	Gautier (13th)	Neblett	
Carlton	Houghton	Pope	
Carraway	Kickliter	Rodgers	
Floyd	King	Stratton	

Nays—17.

Mr. President	Clarke	Getzen	Pearce
Baker	Connor	Hodges	Shands
Beall	Douglas	Johns	
Black	Edwards	Johnson	
Bronson	Fraser	Melvin	

So the motion failed of adoption.

PAIRING

The following Pair was announced by the Secretary in accordance with Senate Rule 12:

I am paired with Senator Rood on the motion to adjourn.

If he were present he would vote "Aye" and I would vote "Nay."

JOHN S. RAWLS,
Senator 4th District.

Senator King moved that the Senate recess until 3:00 o'clock P. M., this day.

A roll call was demanded.

Upon call of the roll on the motion made by Senator King, the vote was:

Yeas—16.

Barber	Floyd	Kickliter	Pope
Cabot	Gautier (28th)	King	Rodgers
Carlton	Gautier (13th)	Morgan	Stratton
Carraway	Houghton	Neblett	Tapper

Nays—16.

Mr. President	Clarke	Fraser	Johnson
Baker	Connor	Getzen	Melvin
Black	Douglas	Hodges	Pearce
Bronson	Edwards	Johns	Shands

So the motion failed of adoption.

PAIRINGS

The following Pairs were announced by the Secretary in accordance with Senate Rule 12:

I am paired with Senator Rood on the motion to recess.

If he were present he would vote "Aye" and I would vote "Nay."

JOHN S. RAWLS,
Senator 4th District.

I am paired with Senator Morrow on the motion to recess.

If he were present he would vote "Aye" and I would vote "Nay."

PHILIP D. BEALL,
Senator 2nd District.

INTRODUCTION OF RESOLUTION

By Senators Johnson, Melvin, Rawls, Clarke, Hodges, Fraser and Pearce—

Senate Concurrent Resolution No. 17-X(55):

A CONCURRENT RESOLUTION CONCERNING ADJOURNMENT SINE DIE.

WHEREAS, the regular session of the legislature of the

State of Florida, for 1955, adjourned sine die, on Friday, June 3, 1955, without having reapportioned the representation in the house of representatives and the senate of the Florida legislature as required in section 3 of article VII of the constitution of the State of Florida; and,

WHEREAS, by proclamation of his Excellency, LeRoy Collins, Governor of the State of Florida, dated June 3, 1955, the legislature of the State of Florida, convened in extraordinary session on June 6, 1955, to consider the question of reapportionment of the representation in the legislature, as mandatorily required by said section 3 of article VII of the constitution of Florida; and,

WHEREAS, the legislature of the State of Florida, did convene in extraordinary session on June 6, 1955, as directed in said proclamation, and proceed to consider the question of reapportionment of the representation in the legislature as mandatorily required by section 3 of article VII of the constitution of Florida; and,

WHEREAS, the house of representatives has been reapportioned under the provisions of house bill no. 4X, by designating three (3) representatives to each of the five (5) most populous counties, and two (2) representatives to each of the next eighteen (18) more populous counties, and one (1) representative to each of the remaining counties of the state; and,

WHEREAS, the senate of the State of Florida has been reapportioned under the provisions of house bill no. 10X, by apportioning thirty-eight (38) senatorial districts within the State of Florida, such districts being as nearly equal in population as practicable, according to the opinion of the legislature; and,

WHEREAS, the legislature being limited in such session to consider no other business, other than to reapportion and that the legislature has determined by the passage of house bill no. 10X, that reapportionment has been accomplished according to the provisions of section 3 of article VII of the constitution of the State of Florida: NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

Section 1. That the time for adjournment sine die of the Florida legislature, 1955 extraordinary session, be and the same is hereby fixed at the hour of 2:30 o'clock p. m., Tuesday, July 12, 1955, at which time the extraordinary session of the Florida legislature of 1955 shall be adjourned sine die.

Which was read the first time in full.

Senator Johnson moved that the rules be waived and Senate Concurrent Resolution No. 17-X(55) be placed on the Calendar, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Johnson moved that the rules be waived and Senate Concurrent Resolution No. 17-X(55) be read the second time in full and put upon its adoption.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Johnson, the vote was:

Yeas—18.

Mr. President	Clarke	Getzen	Neblett
Baker	Connor	Hodges	Pearce
Black	Douglas	Johns	Shands
Bronson	Edwards	Johnson	
Carraway	Fraser	Melvin	

Nays—14.

Barber	Gautier (28th)	King	Stratton
Cabot	Gautier (13th)	Morgan	Tapper
Carlton	Houghton	Pope	
Floyd	Kickliter	Rodgers	

So the motion failed to receive the required two-thirds vote and, therefore, failed of adoption.

July 12, 1955

JOURNAL OF THE SENATE

41

PAIRINGS

The following Pairs were announced by the Secretary in accordance with Senate Rule 12:

I am paired with Senator Rood on placing S. C. R. No. 17-X on second reading.

If he were present he would vote "Nay" and I would vote "Aye."

JOHN S. RAWLS,
Senator 4th District.

I am paired with Senator Morrow on placing S. C. R. No. 17-X on second reading.

If he were present he would vote "Nay" and I would vote "Aye."

PHILIP D. BEALL,
Senator 2nd District.

Senator Gautier (13th) moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 11:15 o'clock A. M., until 11:00 o'clock A. M., Wednesday, July 13, 1955.